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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,098	05/04/2006	Andre Barkowski	10191/4212	9442
26646	7590	06/24/2009	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				MARC, MCDIEUNEL
3664		ART UNIT		PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/544,098	BARKOWSKI ET AL.
	Examiner	Art Unit
	MCDIEUNEL MARC	3664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03/26/2009.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 12-22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 12-22 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 01 August 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. The application filed on 08/01/2005 has been examined. Claims 1-11 had been cancelled. Claims 12-22 are pending, and new claims 23-33 have been added.
2. The objections have been withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 12-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelly et al., (US 2003/0195676).

As per claim 12, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *computer system in a vehicle* (see Fig. 5), comprising: *at least two computers that perform different tasks* (see Fig. 5, elements 18 and 48), wherein: *a distribution of the tasks among the at least two computers takes place according to a significance of functions for a driving of the vehicle, the functions including driving-related functions that are implemented in a*

first computer of the at least two computers (see Fig. 5, element 18), and non-driving-related functions that are implemented in a second computer of the at least two computers (see Fig. 5, element 48, has been considered as the second computer that receive driving function from bus 43 and 39).

As per claim 13, Kelly et al., 2003/0195676 teaches a vehicle monitoring system *wherein the driving-related functions are vehicle-specific functions (see Fig. 5, elements 18, 22 and 29).*

As per claims 14 and 15, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *wherein the driving-related functions contain specific information connected with at least one of: one of an operation, a navigation, and a driving of the vehicle, a warning and an orientation of a driver (see Fig. 5, elements 17, 18, 22 and 29), and the driving-related functions form a driver-related HMI¹ and a driver information system (see Fig. 5, element 48 has been considered as means for having MHI logic function); and wherein the non-driving-related functions are entertainment-specific functions (see Fig. 5, element 48, being considered as means for alarming, scripting, data logging, and recipe management, with a fully configured Web Server).*

As per claim 16, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *wherein: the driving-related functions include at least one of the following functions: navigation systems (see Fig. 5, element 17), one of an HMI logic system and an HMI manager*

¹ **Fully Integrated HMI.** Logic Developer-PC works seamlessly with the fully integrated CIMPICITY Machine Edition View product, giving you the power of alarming, scripting, data logging, and recipe management. With the fully configured Web Server, you can view and control your plant using a standard Web browser.

that one of controls and evaluates a display and an operation of the vehicle (see Fig. 5, element 48 has been considered as means for having MHI logic function as noted above), one of speech recognition software and speech synthesis software, a program for outputting one of driving instructions and driver warnings (see Fig. 5, element 17 has been considered as means for voice to speech function), and a representation of two-dimensional maps for orientation (see Fig. 5, element 17 has been considered as means for displaying maps), and the non-driving-related functions include at least one of the following functions: an Internet browser, a service download, a representation of three-dimensional graphics, an application for entertaining passengers, a game, a video reproduction system, a digital video broadcast system (see Fig. 5, element 48 has been considered as means for having all the above mentioned function), and a connection of connectable portable devices including one of a laptop and a PDA (see Fig. 5, wherein by design choice element 16, can be a PDA; and element 48 has been considered as a laptop).

As per claim 17, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *wherein the second computer is a powerful multimedia computer* (see Fig. 5, element 48).

As per claim 18, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *wherein at least one interface provided between the first computer and the second computer* (see Fig. 5, element 31, wherein internal or not has been considered as interface between elements 18 and 41).

As per claim 19, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *wherein the first computer is connected to an internal vehicle bus* (see Fig. 5 has been considered internal).

As per claim 20, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *wherein a computing-intensive function of a driving-related part are computed in a non-driving-related part* (see Fig. 5, element 15).

As per claim 21, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *wherein the first computer gives computing-intensive tasks to the second computer, and the first computer executes the computer-intensive tasks if the second computer is not available* (see Fig. 5, element 15, 18 and 48).

As per claim 22, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *multimedia computer for use in a motor vehicle, wherein the multimedia computer implements entertainment functionalities and is connected via at least one interface with an additional computer that implements driving functions* (see Fig. 5, elements 16 and 48).

As per claim 28, Kelly et al., 2003/0195676 teaches a *computer system in a vehicle* (see Fig. 5), *comprising:*

a first processing unit configured to perform driving-related functions; a second processing unit configured to perform a second set of functions; a data transfer connection between the first and second processing units (see Fig. 5, elements 18 and 48, wherein two computer system that performs different task); *the system*

configured to distribute driving-related functions to the first processing unit and the second processing unit, based at least in part on an availability of the respective processing units; and the system configured to distribute the second set of functions exclusively to the second processing unit (see fig. 5, as noted above).

As per claim 24, Kelly et al., 2003/0195676 teaches a system *wherein the system is configured to modify the second set of functions based on user input (see fig. 5, wherein modification being performed by the operator/driver in any fashion), and wherein the system is configured to restrict modification of the driving-related functions (see Fig. 5, elements 18, 22 and 29).*

As per claim 25, Kelly et al., 2003/0195676 teaches a system *wherein the second processing unit is a receiving subsystem with an interface configured to interface with a plurality of equipment added to the system via the interface (see Fig. 5, element 31, wherein internal or not has been considered as interface between elements 18 and 41).*

As per claim 26, Kelly et al., 2003/0195676 teaches a system *wherein the second sets of functions include enhancements of the driving-related functions (see Fig. 5, elements 18, 22 and 29).*

As per claim 27, Kelly et al., 2003/0195676 teaches a system *wherein one enhancement includes interactive graphical maps* (see Fig. 5, element 17 has been considered as means for displaying maps), *and wherein one driving-related function, associated with the one enhancement, includes basic navigation data* (see Fig. 5, elements 18, 22 and 29 as noted above).

As per claim 28, Kelly et al., 2003/0195676 teaches a system *wherein the first processing unit is configured as a master processing unit and the second processing unit is configured as a slave processing unit* (see fig. 5, elements 48 and 18, wherein element 48 has been considered as master and element 18 as slave).

As per claim 29, Kelly et al., 2003/0195676 teaches a system *wherein the second processing unit is configured with more processing power than the first processing unit* (such limitation does not have any patentable weight, for it is a design choice).

As per claim 30, Kelly et al., 2003/0195676 teaches a system *wherein the second processing unit is optimized for multimedia processing* (see Fig. 5, element 48, as noted above).

As per claim 31, Kelly et al., 2003/0195676 teaches a system *wherein the system is configured to modify the second set of functions based on user input, wherein the*

system is configured to restrict modification of the driving-related functions, wherein the second processing unit is a receiving subsystem with an interface configured to interface with a plurality of equipment added to the system via the interface, wherein the second set of functions include enhancements of the driving-related functions (see fig. 5, as noted above).

As per claim 32, Kelly et al., 2003/0195676 teaches a system *wherein one enhancement includes interactive graphical maps* (see Fig. 5, element 17 has been considered as means for displaying maps), *and wherein one driving-related function, associated with the one enhancement, includes basic navigation data* (see Fig. 5, elements 17, 18, 22 and 29), *wherein the first processing unit is configured as a master processing unit and the second processing unit is configured as a slave processing unit* (see fig. 5, elements 48 and 18, as noted above), *wherein the second processing unit is configured with more processing power than the first processing unit, and wherein the second processing unit is optimized for multimedia processing* (see Fig. 5, element 48 as noted above).

As per claim 33, Kelly et al., 2003/0195676 teaches a *computer system in a vehicle* (see Fig. 5), *comprising: a graphics processor; and at least two computers that perform different tasks* (see Fig. 5, elements 18 and 48, wherein two computer system that performs different task), *a distribution of the tasks among the at least two computers*

being performed in accordance with a significance of functions for guidance of the vehicle, wherein a first one of the computers includes functions related to driving, wherein a second one of the computers includes functions not related to driving, wherein the computers are connected to the graphics processor, and wherein the computers communicate with each other via one predefined interface (see Fig. 5, element 48, has been considered as the second computer that receive driving function from bus 49 and 39 as noted above).

Response to Arguments

5. As to the not teaching PC Computer 48 as part of the Kelly's system (see Kelly's et al. section [0052]), note temporary or not the computer system 48 being used as part of the system, also the claim had not been specify the second computer being install permanently in the vehicle;
As to element 47 not being a bus (see Kelly's et al. Fig. 5, elements 49 and 39);
As to the not teaching receiving driving function from bus 47 and 51, instead (see Kelly's et al. Fig. 5, element 48, has been considered as the second computer that receive driving function from bus 49 and 39 as noted above)
6. Applicant's arguments filed 03/26/2009 have been fully considered but they are not persuasive.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MCDIEUNEL MARC whose telephone number is (571)272-6964. The examiner can normally be reached on 6:30-5:00 Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/McDieunel Marc/
Examiner, Art Unit 3664
Wednesday, June 17, 2009
/KHOI TRAN/
Supervisory Patent Examiner, Art Unit 3664